

### **REMARKS**

The present application relates to inbred maize plant and seed PH6ME. Claims 1-15, 17, 18, 23-27 and 30-35 are pending in the present application. Claims 1-6, 11, 17, 18 and 34 are allowed. Claims 7-10, 12-16, 19-33 and 35 have been canceled. No new matter has been added by way of amendment. Applicants respectfully request consideration of the claims in view of the following remarks.

#### **Claim Objections**

Claims 23-24 are objected to under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner states that "[t]he claimed plants do not have all the characteristics of the plant of claim 11; thus, the claims do not properly depend from the parent claim."

Applicants respectfully traverse this objection. However, in an effort to expedite prosecution, Applicants have canceled claims 23-24, thereby alleviating this objection.

#### **Rejections Under 35 U.S.C. § 112, First Paragraph**

Claims 7-8, 12-15, 25-27, 30-33 and 35 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. *See* Office Action, pp. 3-4.

The Examiner states that "[n]either the instant specification nor the originally filed claims appear to provide support for claims to an F1 hybrid maize seed comprising an inbred maize plant cell of inbred maize line PH6ME." The Examiner further states "[n]either the instant specification nor the originally filed claims appear to provide support for claims to a plant with all of the morphological and physiological characteristics of PH6ME and further comprising a single locus or transgene." The Examiner additionally states "[n]either the instant specification nor the originally filed claims appear to provide support for claims to methods of breeding using plants with all of the morphological and physiological characteristics of PH6ME." The Examiner additionally states that neither the instant specification nor the originally filed claims appear to provide support for claims to the methods of claims 25, 30 and 31. The Examiner further states "[n]either the instant specification nor the originally filed claims appear to provide support for the conversion traits being improved nutritional quality, herbicide tolerance,

resistance to bacterial, fungal, nematode or viral disease, male sterility or restoration of male fertility."

Although not acceding to the Examiner's rejection, in an effort to expedite prosecution, Applicants have canceled claims 7-8, 12-15, 25-27, 30-33 and 35, thereby alleviating this rejection. In light of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first paragraph.

#### **Rejections Under 35 U.S.C. § 102 and § 103**

Claim 32 is rejected under 35 U.S.C. § 102(b), or in the alternative, under 35 U.S.C. § 103(a) as obvious over Hoffbeck (1998, U.S. Patent 5,723,723).

Although not acceding to the Examiner rejection, in an effort to expedite prosecution, Applicants have canceled claim 32, thereby alleviating this rejection. In light of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b), or in the alternative, under 35 U.S.C. § 103(a).

#### **Double Patenting**

Claims 9-10 are rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-2 of prior U.S. Patent No. 6,759,578.

Applicants have canceled claims 9-10, thereby alleviating this rejection.

#### **Summary**

Applicants acknowledge that claims 1-6, 11, 17, 18, and 34 are allowed.

#### **Conclusion**

In conclusion, Applicants submit in light of the above amendments and remarks, the claims as amended are in a condition for allowance, and reconsideration is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any fees inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



ROBERT A. HODGSON, Reg. No. 56,375  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
**CUSTOMER NO: 27142**

- RAH/bjh -

Attorneys of Record